

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RENA E. STARKS,

Plaintiff,

vs.

N/A,

Defendant.

Case No. 2:13-cv-00188-MMD-CWH

ORDER

This matter is before the Court on Plaintiff's Motion/Application to Proceed *in Forma Pauperis* (#1), filed on February 5, 2013. Plaintiff is proceeding in this action *pro se*. She has requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*, and she submitted a complaint on July 3, 2012.

Pursuant to 28 U.S.C. § 1915(a), a filing fee of \$350.00 is required to commence a civil action in federal district court. The court may only authorize the commencement of an action without prepayment of fees and costs or security therefor, by a person who submits an affidavit that includes a statement showing the person is unable to pay such costs. 28 U.S.C. § 1915(a)(1). This Court's Local Rules provide that "[a]ny person, who is unable to prepay the fee in a civil case, may apply to the Court for authority to proceed *in forma pauperis*. The application shall be made on the form provided by the Court and shall include a financial affidavit disclosing the applicant's income, assets, expenses and liabilities." LSR 1-1.

Plaintiff's application is incomplete. In response to question three related to other income, Plaintiff indicates that she receives support in the form of "Spouse 62 on SSDI deemed below poverty level." The Court understands that Plaintiff may receive support from another governmental agency that she has deemed below poverty level, but that is not a sufficient ground for Plaintiff to not fully answer the question. Given that Plaintiff has not provided the amount of

1 income she receives, the Court cannot determine if it exceeds her expenses. As a result, the
2 Court cannot determine whether Plaintiff is eligible to proceed *in forma pauperis*.

3 Having concluded that Plaintiff is not entitled at this time to proceed *in forma pauperis*,
4 the Court need not screen the complaint under 28 U.S.C. § 1915(e)(2)(B), which requires the
5 dismissal of the case at any time if the Court determines that it is frivolous or malicious or fails
6 to state a claim upon which relief can be granted or seeks monetary relief against a defendant
7 who is immune from such relief. However, the Court notes that Plaintiff has failed to name a
8 defendant in her complaint and she should correct that error in any subsequent filing.

9 Based on the foregoing and good cause appearing therefore,

10 **IT IS ORDERED** that Plaintiff's Application to Proceed *In Forma Pauperis* (#1) is
11 **denied without prejudice**.

12 **IT IS FURTHER ORDERED** that Plaintiff shall file a complete Application to
13 Proceed *in Forma Pauperis*. In the alternative, Plaintiff may make the necessary arrangements to
14 pay the filing fee of three hundred fifty dollars (\$350), accompanied by a copy of this Order.
15 Plaintiff shall have **thirty (30) days** from the date on which this Order is entered to comply.
16 Failure to comply with this Order will result in a recommendation to the District Judge that
17 Plaintiff's Application to Proceed *in Forma Pauperis* be denied with prejudice.

18 DATED this 6th day of February, 2013.

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22 **C.W. Hoffman, Jr.**
23 **United States Magistrate Judge**
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